

**MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 5<sup>th</sup> DAY OF JANUARY, 2010, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6PM.**

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Tom Cole, Mac Woodward, Jack Wagamon, Wayne Barrett, Dalene Zender, Melissa Mahaffey, Charles Forbus, Lanny Ray

COUNCILMEMBERS ABSENT: None

OFFICERS PRESENT: Bill Baine, City Manager; Leonard Schneider, City Attorney, Lee Woodward, City Secretary

**WORKSHOP SESSION [5:29PM]**

**Council will discuss issues of water quality options. [J. Turner, Mayor]**

The Mayor referred to the handout from Carol Reed, Director of Public Utilities, covering the components of the City's water systems, as well as needs and recommendations from staff. Ms. Reed briefly reviewed the components page first, covering pumping and storage capacity by plant (below).

**City of Huntsville Water System Overview**

**Components of System:**

- I. **Palm Street Water Plant:** 15.8 MGD Pumping Capacity, supplied by:
  - A. 5 Wells: 5.8 MGD Maximum Capacity
  - B. Trinity River Authority (TRA) Surface Water Plant: 6 MGD Firm Capacity, 8 MGD Peak
- II. **Spring Lake Water Plant:** 1.4 MGD Pumping Capacity, supplied by
  - A. 2 wells: 2.6 MGD Maximum Capacity
- III. **Distribution System:**
  - A. 190 Miles of water line ranging from 2 inch to 30 inch
  - B. 3000 Water Valves
  - C. 1500 Fire Hydrants
  - D. 10, 250 Total connections (meters), 8400 average active
  - E. 14,308 *Equivalent* connections, determined by number of persons served by large domestic customers (SHSU, TDCJ) combined with the number of single-family connections
- IV. **Recent Average and Peak Production Levels (all values in MGD):**

<u>YEAR</u>	<u>PALM STREET WELLS</u>	<u>SPRING LAKE WELLS</u>	<u>TRA</u>	<u>TOTAL PRODUCTION</u>
	AVG/PEAK	AVG/PEAK	AVG/PEAK	AVG/PEAK
<b>2007</b>	0.8 / 5.2	0.9 / 1.6	5.4 / 8.3	7.2 / 10.3
<b>2008</b>	0.5 / 3.6	0.8 / 1.8	6.2 / 8.2	7.6 / 11.1
<b>2009</b>	0.8 / 4.5	0.7 / 1.6	6.0 / 7.8	7.6 / 12.0

The City's 7 wells can produce a maximum of 8.42 MGD. However, if well production were maintained at this rate for an extended period (30 days), negative consequences may occur. These include:

- Pumping beyond safe yield of aquifer (2.5 MGD) resulting in depletion of aquifer volume
- Well failure/damage to pumping equipment
- Increase in brown water complaints in the downtown area

The City of Huntsville's water supply averages 80% surface water and 20% well water. This can be adjusted to meet changing demands and conditions. Typically, a superior and more consistent water quality can be maintained if water received from TRA is kept at a regular flow.

Ms. Reed explained that the equivalent connections number was determined through Texas Commission on Environmental Quality (TCEQ) calculations, and was important to reflect the number of users at Sam Houston State University (SHSU) and in the prison system (TDCJ) who are attributed to a fairly small number of connections.

She then referred to the back side of the handout, covering needs and recommendations (below).

#### **Water System Needs/Recommendations**

**1. Nitrate removal**

- Nitrate levels in the surface water are a recurring issue during drought conditions/summer months.
- Nitrate level cannot exceed 10 mg/l per TCEQ regulation.
- The inter-connect with Walker County SUD which allows for dilution to lower nitrate level will be eliminated sometime late next year.
- Installation of filter to remove nitrates at the TRA plant approximately \$1.5 million\*.

**2. Chlorine contact time**

- The chlorine contact time may be an issue in the near future if the TCEQ requires that water must meet all disinfection criteria before leaving the surface water facility.
- Construction of a clear well to address contact time issues approximately \$1 million\*.

**3. Pumping**

- Existing pumping equipment is difficult to maintain due to age (30 years) and availability of parts.
- Replacement of old pumps at TRA with new, more efficient pumps approximately \$1.6 million\*.
- A phased-in pump replacement program could be initiated.
- New pumps could be mounted on a new clear well to eliminate building a new pump station.

**4. Ground storage tank maintenance**

- Due to the high cost of tank maintenance (\$1.15 million for 3 tanks in 2008), funds should be set aside on a long term basis (10 years) to ease in funding tank maintenance.
- A tank maintenance schedule has already been developed.

**5. Aquifer Study**

- Study that determined 2.5 MGD as safe yield of aquifer is 30 years old.
- Estimated cost \$15,000 to \$20,000.
- Accurate determination of safe yield of aquifer is essential in calculating total system capacity.

**\*Please be advised that the cost estimates for numbers 1 through 3 above were pulled from the cost summary for the proposal for the TRA plant improvements as a total project. Additional costs for associated electrical and instrumentation equipment, construction and engineering costs, and inspection costs were not itemized for each component and could total as much as \$4 million if all were completed. Each component would need to be engineered as a stand-alone project to accurately determine the total cost.**

Councilmember Woodward asked about procedures during sustained peak periods and was told that there was a 10MGD peak. Jason Pierce, Water Superintendent, said there were wastewater guidelines for reaching 75% capacity. Councilmember Woodward confirmed that this was an issue that triggered the Robinson Creek Plant. Mr. Pierce said that for drinking water, the City equipment was maxed out at peak periods during the summer months. He further said that there were recommendations for designing plants for peak usage periods.

Councilmember Woodward also affirmed that the City's water system had the highest possible rating, Superior, and that the rating was unrelated to capacity.

Councilmember Forbus received clarification that the pumps at Palm Street, for example, were capable of pumping more water out than necessarily available. The Mayor confirmed that the storage capacity at Palm Street was 7.5 million gallons.

Councilmember Wagamon asked if the staff met with TCEQ and if that generated a report. Carol Reed said that reports came from inspections, which did address capacity. Councilmember Wagamon asked for a copy of those.

Councilmember Woodward confirmed that the City currently has the capacity to pump out roughly twice the current demand. Jason Pierce confirmed the City was "in great shape" for storage and pumping capacity at Palm Street.

Councilmember Forbus asked about the 12MGD peak listed for 2009, and was told that it may have happened more than once. City Manager Bill Baine said it happened seven or eight days in a row. Carol Reed said there was a concern in the summer of hitting 10, 10.2 or 11MGD since it would incur water rationing, that 10 days in a row of 10MGD was Stage 1, 10 days of 10.2MGD was Stage 2. Councilmember Woodward confirmed that the Stage levels were in the City's water policy. Ms. Reed also said they did not reach Stage 1 this summer, that there were periods of seven or eight days in a row.

The Mayor said he believed there were several different issues to discuss, namely: capacity, nitrite removal, chlorine contact time, storage, and the aquifer study. The City Manager said equipment obsolescence was also an issue.

Councilmember Wagamon said he had not heard anything yet about capacity that made him think there was a need for a new plant in another 30 years. He went on to say there was the ten-day problem, but that perhaps, like in a drought during the 1970s, citizens could be told to water their yards on alternate days.

Councilmember Barrett said he would be interested to hear more about the determination of safe yield from the aquifer and how rigidly they had to adhere to that because it seemed to him that it negated maximum capacity of the wells if the City was only permitted to pump a certain amount. Carol Reed said she also had a concern about that number, as it was from a very old study and this is what made a new aquifer study a priority.

Ms. Reed then addressed the nitrate removal issue and said it had become a little more urgent in her mind as a result of losing the interconnection with the Walker County Special Utility District (WCSUD). She said that when the City previously approached the 10mg limit set by the state, they could interconnect and dilute the water to get back to a safe level. She also said this was primarily an issue with the Ellis and Estelle Units of TDCJ, because the water was diluted with well water when it got into the City.

Ms. Reed said chlorine contact time becomes pressing when TCEQ decides that time spent in the 30" line is not to be considered as contact time, which could happen at any time, and that they are delivering water from that line before it gets to the City.

Ms. Reed said pumping is possibly not as great an issue until one of the pumps goes down.

Councilmember Forbus asked about the proposed replacement of pumps at the TRA facility & was told it would not increase capacity. Jason Pierce said the improvements were designed as one project, and that replacements would have to be synchronized in order to have water available to the City. Councilmember Forbus asked if larger pumps could be put in to increase pump capacity and Mr. Pierce said that was an option.

Councilmember Woodward addressed recommendations 1-3 and asked how much the output capacity of the plant would be increased if all of those were done. The City Manager said that from his memory, there was a slot for another pump and it would provide an increase of a million gallons. Councilmember Woodward confirmed that age and potential requirements, but not to increase capacity, were the primary reasons for improvements at TRA.

Councilmember Wagamon asked if the engineers could be asked to go back and re-present options broken out in pieces, for which Council had asked. Carol Reed said she had reviewed the contracts and Council resolution, but that there was nothing she could find in any written record that specified an incremental design, although that may have been the understanding at the time. Several other Councilmembers said they also remembered that there was to have been a presentation of options in parts.

The Mayor thanked staff for the succinct report, including options and rough numbers that showed the Council where they were and something to think about in the coming months for policy decisions.

Councilmember Woodward recalled that just over a million dollars were spent in the last year on the ground storage tanks, and suggested that they begin setting aside funds through the budget process in anticipation of other significant repair costs. Carol Reed said they would be able to do more thorough annual maintenance although there probably would still be some big ticket items from time to time.

The Mayor thanked the staff again and asked the Councilmembers to spend some time thinking about these issues. Carol Reed asked that any concerns or questions be submitted to her through the City Manager and the Mayor said they would coordinate to relay information with "a single voice." Councilmember Woodward urged that they look at the debt structure when they revisit these issues.

The meeting adjourned at 5:58pm.

**REGULAR SESSION\* [6:00PM]****1. CALL TO ORDER**

Mayor Turner called the meeting to order at 6:03pm.

**2. PLEDGES OF ALLEGIANCE****3. INVOCATION**

Councilmember Barrett gave the invocation.

**4. PUBLIC COMMENT**

Maria Gerling discussed her household water, saying it smells like chlorine and ammonia, and urging the Council to use chlorine rather than chloramine.

Charles Smither, Jr. spoke on three items. First, he recommended the Council limit the authority of the Library Board to accept cash or negotiable securities, if Resolution 2010-13 was approved. Secondly, in relation to the Interlocal agreement with the County for fire service, he noted the increase in costs to the City over the last year, but saw that there was no increase in cost to the County. He also saw no reason to omit an annual review of the cost in the interlocal agreement. Finally, Mr. Smither said he noted the City again performing work on the golf course, but he understood that the University was responsible for any work on the course.

The Mayor reassured Mr. Smither that the City had been to Commissioner's Court to make a case for an increase in the interlocal agreement, without success, and that it was only a one-year contract, not a three-year extension.

Charles Ryans, Jr. said he believed his family had been harassed by the Police Department and that their neighbor used the Department to harass his family.

Charles Ryans, Sr. said that on December 29, 2009 the dogcatcher viciously took the Ryans' puppy from under their home. He said four police officers came to their door to intimidate them and gave them a citation "simply for being black." Mr. Ryans said they have waited months for a solution.

Ezzard Ryans said he did not like to play outside with his friends because of their neighbor. He says the neighbor yells and threatens his family's animals. He said he believed the neighbor stole his tetherball rope, and that he was hurt when the dogcatcher took his puppy.

Naomi Ryans said police officers frequently appear at her home to harass and intimidate her at the request of her white neighbor. She says her family is harassed by the Department because they are black. She said Michael Clark of Animal Control said he would not come back to her home, but did, and that she believed the City has no legal or moral grounds to take their puppy. She said Mr. Clark came back with what she considered "to be a lynch mob" and that instead of arresting her family, they opted to give them citations. She said she thought the only thing protecting her family that day was God and her video camera.

Khamia Ryans said her family has called the police about their neighbor several times, but that the police officers never come. Ms. Ryans said her neighbor burned leaves but that the police allowed her to burn rather than citing her. She also said that when the dogcatcher came on December 29, 2009 he told Ms. Ryan "this dog is our property now."

**5. CONSENT AGENDA**

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on December 15, 2009. [Lee Woodward, City Secretary]
- b. Approve Ordinance 2010-15 amending the budget for FY09-10. [Winston Duke, Finance Director]
- c. Approve Ordinance 2010-16 amending the budget for FY08-09. [Winston Duke, Finance Director]
- d. Authorize the extension of Interlocal Agreement (with Addendum) for Public Safety Services between the City and Walker County and authorize the mayor to execute the Agreement. [Winston Duke, Finance Director]
- e. Authorize the City Manager to approve the purchase/installation of audio/video equipment from Industrial Audio/Video in the amount of \$30,389. [Chris Vasquez, IT Manager]

- f. Authorize the City Manager to apply for and accept, if awarded, the Texas Parks and Wildlife grant to assist in creating a linear park along Town Creek, 1<sup>st</sup> reading. [Dr. Sherry McKibben, Community Development Specialist]
- g. Authorize the City Manager to apply for and accept, if awarded, the Texas Department of State Health Services (DSHS) grant for a fitness park. [Dr. Sherry McKibben, Community Development Specialist]

Councilmember Forbus made a motion to accept the consent agenda. Councilmember Mahaffey seconded the motion. Councilmember Ray pulled item (d). Councilmember Zender pulled item (e).

Councilmember Woodward asked about the match on item (f). Dr. Sherry McKibben, Community Development Specialist, said this would be in conjunction with the Town Creek Drainage Project and that federal and state grant monies would each be used for the other as match portions, i.e. the City would be credited on the federal application for some of the state money, and vice versa, to account for a portion of the City's required match.

Councilmember Woodward asked about the location of the proposed fitness park in item (g). Dr. McKibben said this was the northeast corner, accessible from Avenue M.

The motion passed unanimously.

Councilmember Ray discussed item (d) said this item was discussed during the budget process, and commented that the County had been asked for an additional amount for the interlocal agreement and had refused. The Mayor said he believed the budget for fire was ballparked at \$1.2 million. Councilmember Ray figured the County's payment of around \$246,000 was about 1/6<sup>th</sup> of the total cost. Finance Director Winston Duke said the Mayor's figure was approximately correct, but did not include equipment, for which cash was paid. The Mayor said roughly half of service calls were in the County. The Mayor said the City had made a strong case to the County that City residents were bearing a disproportionate load of fire protection. Councilmember Ray asked to recap and summarized that about half of the calls were outside the City limits, that the County was paying less than 1/6<sup>th</sup> of that service "everyone in the City also pays County taxes." The Mayor confirmed Councilmember Ray's estimate that for every dollar a County resident pays for fire protection, a City resident would pay between \$6 and \$10, and said the apparent unfairness of it was pointed out in Commissioner's Court, along with the fact that the number had not been adjusted in seven years. Councilmember Ray also recalled that the County had raised taxes and "gave themselves a raise." Councilmember Wagamon said "every year." Councilmember Ray suggested reviewing this during the budget process and possibly sending the County an invoice.

Councilmember Woodward said he remembered that when the fire station was built on the west side, and that the fire station being built on the east side would extend coverage far out into the county. He said he thought it would impact insurance ratings. The Mayor confirmed this and said that the two most recent fire stations built by the City are on the perimeter of the City and is of substantial benefit to the County, and added that the City provided substantial in-kind services for the EMS.

Councilmember Forbus asked when the last increase in the interlocal occurred, and was told seven years.

Councilmember Wagamon asked what was to stop the County from refusing to pay at all. The Mayor said the Commissioner's Court had considered doing so, and had brought up the example of Washington County paying the City of Brenham only \$5,000. Leonard Schneider, City Attorney, said he felt there was probably some kind of recourse if services were provided, even if the County claimed governmental immunity.

Councilmember Wagamon said there was a total cost to fire protection the City paid, and that, less the amount of the interlocal agreement, a price could be placed on each service call, and that amount could be billed. The Mayor said that the City's presentation to the County included amounts paid by City and County residents for fire protection.

Councilmember Woodward said volunteer fire departments in the County did assist the City fire department from time to time, and asked if those departments received funds from the County. The Mayor said they did.

Councilmember Cole said EMS sends private bills for their services, and that perhaps the fire department should consider doing so also.

The Mayor added that the reason this had come up was because the County had not paid any money yet in this budget year, and had told the City that it was because the Interlocal Agreement had not been completed.

There was no motion made, and the item was not voted on.

Councilmember Zender asked for information on improvements to result from item (e). Chris Vasquez, IT Manager, said pan/tilt/zoom cameras would replace the current cameras to provide a better viewing experience live and online, with increased clarity. Councilmember Zender said she had heard positive responses from

citizens. Councilmember Woodward asked if audio would improve, and Mr. Vasquez said that speaking clearly into the microphones would still be required.

Councilmember Zender made a motion to approve item (e). Councilmember Forbus seconded the motion.

Councilmember Cole asked how long the system in place would last without the upgrade. Mr. Vasquez said one camera had required placement that day and that the system had been here for a number of years. Councilmember Cole said that the system seemed adequate from what he had seen, and that the improvements were not required.

Councilmember Mahaffey thanked Mr. Vasquez for a great cost-saving measure in reducing the payment to the University, and that she felt the quality had improved.

The motion passed 7-2, Councilmembers Cole and Wagamon voting against the motion.

## 6. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT

- a. ***Discussion and possible action to approve Resolution 2010-13 to allow Huntsville Public Library Advisory Board to accept gifts on behalf of City for new library fixtures and equipment. [Leonard Schneider, City Attorney]***

The Mayor noted that item 6(a) had been pulled. Councilmember Woodward said he wanted to make sure that people understood they could still contribute to the Library, and that the Library's expansion would occasion new needs for the Library. He encouraged everyone who wanted to contribute to the Library and explore the Library's needs.

- b. ***Annual update from Communications and Service Committee. [Councilmember Zender]***

Councilmember Zender gave an annual update from the Communications and Service Committee. She mentioned the renegotiation of the Channel 7 contract with the University, the new website going online in October 2009, and the camera upgrades voted on in the Consent Agenda section of this meeting. She said she had previously mentioned the City Twitter and Facebook pages, and discussed the new online streaming with interactive agendas.

Councilmember Forbus complimented Kristin Edwards, the Deputy City Secretary, for sending out regular press releases, and thanked the Huntsville Item and the Walker Free Press for publishing those items. He also wanted to remind viewers about the meetings being archived online. Councilmember Forbus thanked Mr. Vasquez for a great job.

- c. ***Discussion of upcoming Ward 3 town hall meeting. [Councilmember Wagamon]***

Councilmember Wagamon said he would like to schedule a Ward 3 Town Hall meeting for mid-February and would announce it at the next meeting.

- d. ***Discussion of traffic issues on Trinity Cutoff. [Councilmember Wagamon]***

Councilmember Wagamon said that at the Ward 3 Town Hall meeting last summer he had received traffic complaints about Trinity Cutoff running behind the Scott Johnson Middle School going out to the loop. He said he wanted to let the Council know he had discussed it with the City Manager, and that perhaps a stop sign was not what was needed.

The City Manager thought it might be a location for speed tables rather than a stop sign. He had also considered better enforcement at that location.

The Mayor then moved out of order on the agenda to address Items of Community Interest, please see notes below.

## 7. EXECUTIVE SESSION

- a. ***City Council will convene in closed session as authorized by Texas Government Code, Chapter 551; Section 551.071 – consultation with counsel on legal matters including legal issues including legal issues on current and pending litigation, including City of Huntsville v. Huntsville/Walker County Chamber of Commerce and City of Huntsville/Walker County Special Utility District and advice on requirements of the Huntsville City Code and state statute/administrative rules regarding sale and consumption of alcohol. [Leonard Schneider, City Attorney]***

The Council adjourned into executive session at 6:46pm.

**8. RECONVENE**

Take action, if necessary, on the item 7a addressed during Executive Session.

The Council reconvened at 7:30pm. No action was taken.

**9. PUBLIC COMMENT**

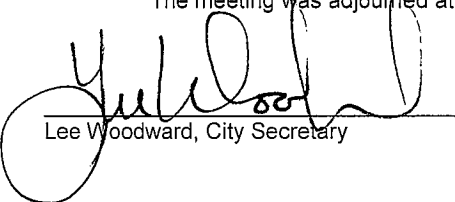
There were no additional public comments.

**10. ITEMS OF COMMUNITY INTEREST [taken out of order before Executive Session]**


The Mayor said the recycling pilot program would be starting in Elkins Lake, and reminded citizens of hard freezes this week and encouraged them to take precautions. The City Manager said a consistent low freeze was expected for the weekend.

**11. ADJOURNMENT**

The meeting was adjourned at 7:30pm.

  
Lee Woodward, City Secretary

**PRESENTED TO COUNCIL**

  
1/19/10 Approved